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Legislative UPDATE

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The Louisiana Conference of Catholic Bishops evaluates legislation in light of Gospel values. "The Church's obligation to participate in shaping the moral character of society is a requirement of our faith....Because we are people of both faith and reason, it is appropriate and necessary for us to bring this essential truth about human life and dignity to the public square." (Forming Consciences for Faithful Citizenship, USCCB)

OVERVIEW

The first half of this session was dominated by the Governor's Education Reform Package. We strongly supported several elements of it, especially the statewide expansion of the Orleans Parish scholarship program and the creation of scholarship tuition organizations (STOs).

The second half of the session was dominated by the revolt of House conservatives over the use of \$268 Million in one-time monies to pay recurring expenses. They cut that amount in the budget bill (HB 1) then sent it to the Senate. These cuts would have amounted to a \$1.2 Million reduction for Catholic Charities, primarily in the Archdiocese of New Orleans. The Senate restored all of the monies and the House eventually agreed to this. We lobbied strongly for the restoration of these funds, but there still was a 3.7% reduction in Medicaid funds that equates to \$500,000 for the Archdiocese of New Orleans.

This session also saw positive progression for criminal justice reform, protection of the sanctity of life at all stages, and upholding the dignity of the marginalized. Parole eligibility was addressed for both nonviolent, non-sex offenders and juveniles originally sentenced to life without parole for non-homicide crimes. Stronger provisions were established to protect both the unborn and the elderly as it is now a crime to perform an abortion if the abortionist is not a Louisiana-licensed physician. Also, a woman will have the opportunity to hear the audible heartbeat of her child in order to be more informed and hopefully choose to carry the child to term. The elderly will be protected in that nothing within medical consent and declarations concerning life-sustaining procedures will condone assisted suicide. Finally, the economically disadvantaged who require cash assistance benefits through the *Family Independence Temporary Assistance Program* [FITAP] will not be subject to random suspicionless and likely unconstitutional drug testing. Instead, they will continue to be screened by the Department of Children and Family Services in an effective and dignified manner.

EDUCATION

HB 1 (Fannin) - State Operating Budget . . . We avoided cuts in *Required Services, School Lunch Salary Supplements, Textbooks* and *Textbook Administration*. Monies for

the Orleans Parish scholarship program, private prekindergarten and the school choice program for disabled students were moved by the Administration from HB 1 to the Minimum Foundation Program (MFP) but were maintained at current levels. A significant decrease in interest rates on five-year bonds caused a sharp drop in the EEF monies we will receive in the coming year. This is not a political decision by the Legislature, but is a function of the Wall Street bond market. (ACT 13)

HB 976 (Carter) - Scholarship Program . . . We strongly supported this bill. After lengthy debates at every stage of the legislative process it finally passed and was signed into law. The bill signing was held at Redemptorist Elementary School in Baton Rouge on April 18. This legislation is essentially a statewide extension of the Orleans Parish scholarship program that we have participated in for the past four years. Eligible students are those in public schools rated C, D or F and whose annual family income is \$57,000 or less. Preference is given to students in D and F rated schools. No private school is required to participate. (ACT 2)

HB 969 (Talbot) - Tax Rebate to Scholarship Tuition Organizations (STO's) . . . This bill passed both chambers by comfortable margins. It permits businesses and individuals to receive a tax rebate by contributing money to a 501(c)3 nonprofit organization set up to provide scholarships to all students in public schools. However, preference will be given to those students attending schools graded D and F. The amount of a scholarship is limited to 80% of the state portion of the MFP for K-8 students, and 90% for students in grades 9-12. The parent or the participating school would need to provide the rest of the tuition monies. The Governor signed the bill into law. (ACT 25)

SB 179, SB 180, SB 182 (Nevers), HB 351 (Burrell), HB 653 (A. Williams) - State Testing of Nonpublic School Students . . . As provided in all of these five Senate and House bills, every student in a private school that accepts state money would be required to take all state tests. We were able to defeat SB 182 in committee and the Senator decided not to advance his other two related bills. Neither House bill was heard in committee.

SCR 99 (Appel) - Minimum Foundation Plan (MFP) . . . This is the Senate Concurrent Resolution that authorizes the spending of the Minimum Foundation Plan (MFP) monies. Per the state constitution, the Legislature can approve only what the Board of Elementary and Secondary Education (BESE) submits to them, or reject it which results in the prior year's formula being used in the new fiscal year. Normally, this SCR is a mundane piece of legislation, but scholarship and private prekindergarten monies have been moved by the Administration from HB 1 to the MFP. Therefore, it became highly contentious in the last week of the session. Two extremely close votes were taken on this measure. The final one on the last day of the session resulted in a 51-49 vote for passage.

HB 725, HB 800 (Abrahamson) - Education Excellence Fund . . . This bill and related state constitutional amendment would have taken monies from the *Education Excellence Fund* (EEF) and directed them in part to the New Orleans casino fund. We opposed the bills and the author never heard them in committee.

SB 200, SB 211 (Morrell) - Lead Testing in Schools . . . These bills deal with lead in both public and private schools. Initially, they would have required us to do expensive testing in all schools built before 1978. However, we worked with the author to get the bills modified in a way that we can accept. The final versions state that schools actually open and in operation will not be affected, but if a school closes and then reopens it would have to do extensive testing. Additionally, if a school has done remediation work on lead since 1978 it will need to report to the State what was done. (ACTS 733 AND 736)

SB 581 (Appel) - Consolidation of Pre-K programs . . . This bill consolidates all seven prekindergarten programs in Louisiana that receive either federal or state monies. The private pre-k program that we have participated in extensively since 2002 is impacted. It is being moved from the Governor's Office to the Louisiana Department of Education. We do not expect a negative impact on our schools from this change. The bill was signed by the Governor. (ACT 3)

HB 911 (Foil) - Scholarships for Students with Disabilities . . . Reauthorizes for two more years the scholarships for students with disabilities program. This bill passed and was signed into law. *(ACT 424)*

HB740 (LeBas) - Dual Enrollment . . . This bill would have allowed participation in a dual enrollment program at post-secondary educational institutions by nonpublic high school students enrolled in BESE-approved programs. It passed out of the House and then the Senate Education Committee with our support. However, it failed in Senate Finance due to its \$2.6 Million fiscal note.

SB 759/692 (Nevers) - Students with Diabetes . . . Initially, this bill required that all schools perform certain actions with regard to students with diabetes. Our lobbying helped turn this into a permissive bill which says that a diabetes management and treatment plan may be developed for a diabetic student who seeks care for his diabetes while at school or while participating in a school-related activity. Such a plan shall be developed by the physician responsible for the student's diabetes treatment and have the approval of the parent and the school principal. *(ACT 858)*

HB 149 (H. Burns) - Defines the terms "elementary school," "middle school," "junior high school," and "high school" . . . This bill was pushed by the Jindal Administration to meet federal reporting requirements. We initially got nonpublic schools taken out of the bill. However, when we learned that our receipt of federal grants would be jeopardized we got our schools put back into the bill. *(ACT 378)*

HB 362 (K. Jackson) . . . This bill requires that automated external defibrillators (AED's) are to be made available during all Louisiana High School Athletic Association events. However, the AED's are not required if the state does not provide funding for them. There is zero money in HB 1 this coming fiscal year for the devices, although there could be in future years. It passed both chambers late in the session. *(ACT 706)*

HB 166 (Leger) - Mandatory Reporting . . . Under this bill coaches becoming mandatory reporters of sexual abuse. The bill easily passed both chambers and has been signed by the Governor. *(ACT 380)*

HB 904 (Hunter) - Liability for Damages . . . Adds schools, churches, and civic organizations to the list of entities which are granted a limitation of liability for damages from food donated to a food bank. It passed and was signed. *(ACT 423)*

HB 1016 (Pope) - Day Care Centers . . . Present law requires DCFS to promulgate rules and regulations for Class A and Class B day care centers. The legislation adds a requirement that such rules and regulations include procedures that allow a day care center to remedy certain deficiencies immediately upon identification by DCFS in an onsite inspection, provided that any deficiency which may be remedied in such manner does not constitute a critical violation of licensing standards. The bill passed and was signed into law. *(ACT 430)*

HB 861 (Simon) - Penalties for Day Care Center Violation . . . This bill revises the penalties for violation of DCFS daycare rules and authorizes, in lieu of revocation, the issuance of a written warning which includes a corrective action plan for violations. *(ACT 599)*

SB 413 (Donahue) - School Lunch Program . . . This bill would have allowed commercial food businesses to participate in the school lunch programs that the state participates in. It was never heard in committee.

GENERAL

HB 345, HB 514 (Abrahamson) - Taxation of Nonprofits . . . This proposal and accompanying constitutional amendments would have permitted the taxation of nonprofit organizations in Orleans Parish. We strongly opposed them, and they were never heard in committee.

FAMILY LIFE

HB 750 (Morris, Jim) - Adoption Records . . . This measure sought to allow adoptees to access their original birth certificate for the non-compelling reason of obtaining genealogical information. We expressed our opposition to Rep. Morris on the basis of preventing the unsealing of original birth records in order to maintain confidentiality within adoptions. Rep. Morris decided not to have this bill heard given the opposition he was facing from LCCB and other groups.

HB 820 (Smith, P.) - Sex Education in Public Schools . . . This is a bill that has been presented in the past which requires, rather than authorizes, that public schools teach sex education as part of their curriculum. We successfully opposed this measure arguing that to present such a sensitive subject outside the context of morality can lead to detrimental outcomes and moral relativism.

HB 1081 (Brossett) - Same-Sex Adoption . . . While cloaked under the title of "Intrafamily Adoptions," this bill attempted to permit same-sex couples to adopt children. We helped in defeating this measure arguing that it is not in the best moral and spiritual interest of the child to be placed in an unstable environment where the "parents" are not joined by the sacrament of marriage.

SB 326 (Broome) - Compilation of Information Regarding Small Loans . . . Sen. Broome brought this measure to begin to investigate the practice and industry of small loans, or "payday" loans within Louisiana. We supported this bill in concept but do wish it had gone further in terms of what information will actually be collected by the Office of Financial Institutions, and by what date. (*ACT 234*)

HB 759 (Landry, N.) - Creates the Crime of Female Genital Mutilation . . . We supported this legislative instrument. LCCB was approached by allies who presented the reality that individuals who are immigrating into the U.S. may still be subject to such draconian and undignified practices. In addition, this seems to take place within the context of human trafficking victims from abroad. (*ACT 207*)

LIFE

HB 1086 (Seabaugh) - Medical Consent and Declarations Concerning Life-Sustaining Procedures . . . This bill states that nothing relating to medical consent and declarations concerning life-sustaining procedures shall be construed to condone, authorize, or approve assistance to suicide. This adds to existing language which contains only "mercy killing," and "euthanasia." This is the first foray into legislation by the Louisiana Right to Life Medical Ethics Center, and we worked with them to promote passage of this legislation. (*ACT 715*)

HCR 11 (Hoffman) - Memorializes Congress to Defund Planned Parenthood . . . This concise House Concurrent Resolution informs Congress of Louisiana's support for the defunding of Planned Parenthood at the federal level. We worked with traditional pro-life allies in supporting this resolution. (*Filed with the Secretary of State*)

SB 330 (Ward) - Criminalizes the Act of Abortion when the Abortifacient is Not a Louisiana-Licensed Physician . . . SB 330 creates the crime of performing an abortion within Louisiana if the abortifacient is NOT a Louisiana-licensed physician. It also establishes the crime of aggravated criminal abortion by dismemberment, which is an abortion whereby the child is intentionally dismembered, whether the dismemberment was in the course of or following the death of the unborn child. (*ACT 646*)

SB 708 (Broome) - Audible Heartbeat and Ultrasound Images Prior to Abortion . . . The first aspect of this bill seeks to rectify a provision of last year's *Ultrasound Before Abortion Act* which stated that a woman would be provided with information regarding her situation two hours prior to the abortion. SB 708 changes this time period from two hours prior to twenty-four hours prior so that the woman may fully digest and discern all information available to her. The second element of this bill adds the requirement that the audible heartbeat be made available to the woman to hear. Just as was the case last year regarding the viewing of the ultrasound, hearing the heartbeat is

permissive on the part of the woman. The burden remains on the abortionist to read a script which informs the woman of her options, but the woman may then opt out of viewing the ultrasound and hearing the heartbeat. During its hearing in Senate Health and Welfare, the bill passed with one amendment allowing an exception to be made for those women who are pursuing an abortion due to rape or incest. In the case of women who are pursuing an abortion as a result of rape or incest, they would not have to be read their options and be made to sign a waiver to opt out of viewing the ultrasound and hearing the heartbeat. (ACT 685)

SB 256 (Martiny) - Treatment of Pregnant Offenders in Custody . . . This measure clarifies how pregnant offenders are to be treated. SB 256 sets forth that pregnant offenders must be restrained, when necessary, by the least restrictive means possible; that an electronic restraint belt can never be used; that she may never be handcuffed behind her back or be restrained using leg irons; and may never be placed in a face down position. In this way the bill represents a convergence of the areas of Life and Social Justice and we actively supported it. (ACT 761)

SOCIAL JUSTICE

HB 1 (Fannin) - State Operating Budget . . . Catholic Charities agencies in both the Archdiocese of New Orleans and the Diocese of Houma-Thibodaux faced debilitating reductions in Medicaid rate reimbursements via the Department of Health and Hospitals (DHH), as a result of DHH's budget suffering a 10% cut as it came out of the House. We worked hand-in-hand with our Catholic Charities agencies to address this issue and aggressively lobbied the Legislature to restore funding in order to mitigate the potential damage caused. In the end, the Senate restored funding and the original 10% cut representing \$1.2 Million to Catholic Charities was reduced to 4%, or \$500,000. (ACT 13)

HB 380 (Mack) - Drug Testing of FITAP Recipients . . . This bill created quite a stir in the media, as did our strong opposition to it. Originally, the bill would have mandated the random testing of 20% of *Family Independence Temporary Assistance Program* [FITAP] recipients. It passed through the House with only one considerable amendment which was that FITAP recipients would have to sign a consent form agreeing to such random suspicionless testing. It was then heard in Senate Judiciary B where a second amendment was added which essentially attempted to turn the bill into a pilot program by only testing 500 recipients of FITAP benefits. We strongly and consistently opposed this measure arguing that it was bad public policy from an economic, legal, and moral perspective. It represented an additional cost to the state, was very likely unconstitutional, and further stigmatized and villainized those in need of assistance. What was not reported was that the Department of Children and Family Services (DCFS) already has a drug screening procedure in place, that any individual applying for and subsequently receiving benefits is required to go through. While this is not the same as a drug test, the system has not been shown to be flawed and in fact identifies drug users so that the department can work with such individuals in a positive and dignified manner. Senate Judiciary B voted to defer this bill by a vote of 3-1.

HB 543 (Smith, Pat and Landry, Terry) - Parole Eligibility . . . This bill provides for parole eligibility for certain offenders sentenced to life imprisonment if certain conditions are met. We were joined in support of this bill by the ACLU and Warden Burl Cain of the Louisiana State Penitentiary at Angola, as it provides the mere possibility that nonviolent, non-sex offender habitual offenders may have the opportunity to sit before a parole board. These individuals must qualify based on serving a specified length of their sentence which is dependent upon the age of when they received their life sentence, as well as meet a host of criteria. Some of these enumerated criteria include that they may not have any disciplinary violation in the twelve-month period preceding their potential hearing, that they have earned a GED if they did not already possess a high school diploma, that they have received drug treatment if that applies to their circumstances, and that they receive a low-level risk assessment by the warden of the facility in which they are housed. (ACT 401)

SB 317 (Martiny) - Juvenile Parole Eligibility . . . This bill brings Louisiana into compliance with the U.S. Supreme Court *Graham v. Florida* decision, which stated that a juvenile could not be sentenced to life without parole for non-homicide crimes. The original language of this measure was based on the direct recommendation of the Louisiana Law Institute which was required to study this issue as a result of a resolution passed last session. We strongly

supported this compromise instrument which was amended to meet the needs of all parties involved, including the District Attorneys Association. It states that the individual will be eligible for parole consideration after serving 30 years of her/his original sentence. In addition, the juvenile must meet certain criteria which would attest to her/his rehabilitation as well as ability to re-enter society in a productive and non-harmful way. Reaching such a compromise with all interested parties was a major victory in-an-of-itself. (ACT 466)

HB 49 (Abramson) - Human Trafficking . . . This bill provides relative to human trafficking, trafficking of children for sexual purposes, and the commercial sexual exploitation of children. We supported this measure which represents a comprehensive revision of the present law to address this issue, thereby strengthening the penalties of those who participate in such egregious behavior. (ACT 446)

SB 435 (Broome) - National Human Trafficking Resource Center Hotline . . . This measure requires that specified establishments, e.g., truck stops and rest stops, post a sign which alerts citizens to the hotline provided by the National Human Trafficking Resource Center so that trafficking can be more easily reported and therefore curtailed. (ACT 154)

*We tracked a total of 233 bills: Education (94); Family Life (25);
Life (19); General (54); Social Justice (41).*



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